

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1, 2 and 4-29 were pending in this application. In this Amendment, claims 1, 4-6, 13, 18, 23, 26 and 29 have been amended. No new matter has been added. Accordingly, upon entry of this Amendment, claims 1, 2 and 4-29 will remain pending.

In the Office Action, the previous final rejection of the claims was withdrawn, but new grounds of rejection of the pending claims were entered. In particular, claims 4-6 were objected to because they depend from canceled claim 3. Claims 1-2, 4-12, 18-22, and 28-29 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-2, 4-10, and 13-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dove et al. (hereinafter "Dove", US 2003/0035004), Petruk et al. (hereinafter "Petruk", US 2002/0196283) and U.S. Patent 6,484,566 to Shin et al. (hereinafter "Shin"). Claims 11-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dove, Petruk, Shin and U.S. Patent 7,219,306 to Kodosky et al. ("Kodosky").

Objection To Claims

In this Amendment, claims 4-6 have been amended to depend from claim 1, as suggested by the Examiner.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

In this amendment, each of claims 1, 13, 18, 23, 26, and 28-29 have been amended to recite “a user” rather than “the user,” as objected to by the Examiner. Claim 29 has also been amended to recite “a test” rather than “the test,” as formerly recited. Accordingly, claims 1-2, 4-12, 18-22 and 28-29 are now in compliance with the requirements of 35 U.S.C. § 112. Applicants respectfully request that their rejection be withdrawn.

Claim Rejections Under 35 U.S.C. § 103(a): Dove, Petruk, and Shin

The present invention, as recited in the pending claims, relates to a novel system and method for performing rheometry using an interface that facilitates creation of rheometric testing procedures that can dynamically change during an experiment. For the reasons detailed below, Applicants respectfully submit that this aspect of the invention is neither taught nor suggested by the combination of the several references that have been applied to support the rejection of the pending claims.

In this amendment, all of the independent claims 1, 13, 18, 23, 26, 28 and 29 have been amended to clarify the invention. In particular, the claims have each been amended to recite a method or system, wherein a (rheometer) system is configured to perform one or more operations including dynamically changing rheology tests during a testing process, dynamically changing testing parameters during a testing process, or performing multiple rheology tests simultaneously. Support for this amendment can be found, for example, at paragraphs [0093]-[0095] and Figures 11-12.

The present invention, as recited in the amended independent claims, thus provides a novel means for conducting rheology tests that takes advantage of an interface for assembling

tests by arranging nodes, which represent, for example, steps for performing a test upon a sample or for configuring a rheometer for performing tests upon a sample. This arrangement is illustrated graphically in Figure 11, which depicts an exemplary method displayed on an interface in which a plurality of nodes are connected through different sequences. As described at paragraph [0095], looping and scripting can be used to dynamically modify rheology test parameters of a test method from a first test to the next test based upon data collected in the first test.

Applicants respectfully submit that the cited art references, whether considered singly or in combination, fail to teach or suggest the complete combination of elements recited in the amended claims. Dove in combination with Petruk only teach general aspects of creating graphical programs. Neither reference teaches or suggests the novel method or system recited in the independent claims, wherein a rheometer system is configured for one or more of dynamically changing rheology tests during a testing process, dynamically changing testing parameters during a testing process, and performing multiple rheology tests simultaneously. For example, the method for creating graphical programs disclosed in Petruk merely teaches a method whereby a *user* can configure nodes to perform desired tests (see paragraphs [0139] and [0151]). This is completely different from the feature recited in the present claims, wherein a rheometer *system* is configured to *modify tests during a testing process*.

Nor does the disclosure in Shin cited by the Examiner, which depicts general aspects of a display that can be used with a rheometer, address the deficiencies in Dove and Petruk noted above.

Accordingly, Applicants respectfully submit that each of claims 1-2, 4-10, and 13-29 is patentable over the cited art and request that their rejection under 35 U.S.C. § 103(a) be withdrawn.

Claim Rejections Under 35 U.S.C. § 103(a): Dove, Petruk, Shin and Kodosky

Dependent claims 11 and 12, at least by virtue of their dependence from claim 1, should be patentable over the combination of Dove, Petruk and Shin for the reasons set forth above. The tree structure navigation of Kodosky also does not address the deficiencies in Dove, Petruk and Shin with respect to the subject matter recited in amended claim 1.

Accordingly, Applicants respectfully submit that each of claims 11-12 is patentable over the cited art and request that their rejection under 35 U.S.C. § 103(a) be withdrawn.

In view of the foregoing, all of the pending claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.

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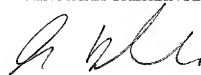
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